

Notice of Proposed Action

Mineral Material Contract Re-issue at North Antelope Rochelle Mine

USDA Forest Service
Medicine Bow-Routt National Forests and Thunder Basin National Grassland
Douglas Ranger District
Campbell County, WY

PURPOSE AND NEED

The purpose of the proposed action is to respond to a request submitted by Peabody Powder River Mining, LLC (PPRM) to renew a mineral material contract authorizing scoria, or clinker, mining operations for another five-year term at North Antelope Rochelle Mine (NARM). Clinker scoria is a naturally occurring common variety mineral material consisting of baked and fused clay, shale, or sandstone and is known locally as scoria. The mineral material contract is needed to authorize PPRM to continue scoria mining operations and to ensure that an adequate supply of scoria is available to support road maintenance and changes in infrastructure at NARM necessary for the uninterrupted mining of Federal coal leases subject to the Mineral Leasing Act of 1920 and the Federal Coal Leasing Amendments Act of 1976.

PROPOSED ACTION

The USDA Forest Service proposes to authorize and re-issue a mineral material contract to Peabody Powder River Mining, LLC for continued scoria mining operations at North Antelope Rochelle Mine. The current contract (MM-DGL25) will expire on December 31, 2021. If authorized, the new re-issued contract (MM-DGL36) period would start on January 1, 2022 for a five-year term. The contract authorizes PPRM to mine and remove approximately 1,100,000 cubic yards (no more than 2,000,000 cubic yards) of scoria annually from 770.93 acres of federally owned minerals located on privately owned surface lands in T41N R70W, Section 21; and T42N R70W, Sections 13 and 14, 6th Principal Meridian, Campbell County, Wyoming (see map Exhibit A).

The area requested for the new contract MM-DGL36 would decrease from 770.93 acres to 757.93 acres. There are no other changes requested in the privately owned surface lands available for the mineral material contract areas at NARM. The scoria mining and use is an existing operation and the scope of the operation would be the same for the new contract as for the expiring contract. The scoria mining would continue in open pits with the use of mobile mining equipment. The mined scoria would be processed or crushed using portable rock crushing equipment and stockpiled on-site. After to scoria is extracted, mined areas would be reclaimed contemporaneously according to the mine permit requirements. The mineral material contract areas for the scoria mining at NARM are subject to the Mining and Reclamation Plan (Permit No. 569) approved by the Wyoming Department of Environmental Quality – Land Quality Division.

AFFECTED ENVIRONMENT

The mineral material (scoria) contract areas at North Antelope Rochelle Mine are located approximately 50 miles south of Gillette, Wyoming and within the administrative boundary of the Thunder Basin National Grassland, Douglas Ranger District. The mineral material contract areas are located within and adjacent to surface coal mining lease areas and all operations would occur on privately owned surface lands within the NARM Permit No. 569 boundary.

The primary use of lands adjacent to the mineral material contract areas include active coal lease mining and reclamation operations, mine infrastructure and rail facilities, and livestock grazing. The mineral material contract areas are located within the Porcupine Creek and School Creek watersheds, each with rolling hills supporting upland grassland and shrub land vegetation communities.

The contract areas are situated along the burn line in the Rochelle Hills, an area on the eastern edge of the Powder River Basin characterized by rolling hills and steep escarpments. The burn line is a boundary generally oriented north and south along which the underlying coal seam burned and is considered the eastern extent of the mineable coal. Scoria within the project area is exposed along ridge tops and knolls and ranges in size from small, gravel-sized pieces to large boulders several feet in diameter. The scoria consists of baked, fused, or melted shales developed in place where the underlying coal seam burned and is typically red in color and ranges in texture from porous to smooth and dense. It is resistant to erosion and is generally a surficial deposit but can be overlain by minor amounts of overburden.

LAND AND RESOURCE MANAGEMENT PLAN DIRECTION

The Land and Resource Management Plan for the Thunder Basin National Grassland (Plan), as amended, provides guidance for all resource management activities. It establishes management goals, objectives, standards and guidelines as well as the availability and suitability of lands for resource management activities. Through the environmental analysis, a determination will be made if the proposed action is or could be made consistent with the grassland-wide, management areas and geographic area direction of the Plan.

This project responds to the goals outlined in the Plan:

Goal 2 – Multiple Benefits to People

Provide a variety of uses, values, products, and services for present and future generations by managing within the capability of sustainable ecosystems.

2c: Improve the capability of the Nation's forests and grasslands to provide a desired sustainable level of uses, values, products and services.

Mineral and Energy Resources – Objectives:

- 1) Ensure reclamation provisions of operating plans are completed to standard.
- 2) Honor all valid existing legal mineral rights.

Geographic Area Direction

The contract area is located within the Hilight Bill Geographic Area (p. 2-21). Minerals exploration and development and livestock grazing are significant management activities in this geographic area. Mineral developments such as coal mines, railroads, oil and gas wells, and pipelines will be present and will often dominate the landscape. In some areas, there may be restrictions on public use to ensure public safety and to avoid unreasonable interference with mineral operations. In those areas where mining is emphasized, reclamation activities will restore the area to a reasonable level of its pre-mining condition.

Management Area Direction

The Management Prescription for the contract area is 8.4 – Mineral Production and Development. These areas are managed for solid mineral operations. Mineral operations of all types are emphasized to effectively and efficiently remove available commercial mineral resources, concurrent with other ongoing resource uses and activities. Operations include development and production of solid minerals, such as coal, bentonite, uranium and hard rock, open-pit mines, stock-piled overburden and top soil and various ancillary facilities. Reclamation activities restore the area to a reasonable level of its pre-mining condition.

ENVIRONMENTAL EFFECTS ANALYSIS

The Forest Service Responsible Official, with an interdisciplinary team of resource specialists, will analyze the possible effects or impacts this proposal could have on the biological, cultural, and physical environments in the analysis area and the relationship between the proposal and the laws, regulations, and agency policy that apply to the proposal.

DECISIONS TO BE MADE

Through the National Environmental Policy Act (NEPA) compliance process, the Responsible Official of the Forest Service will determine whether or not this proposal will be authorized and, if so, where and under what terms and conditions the proponent would conduct the activity.

COMMENTS REQUESTED

The Forest Service seeks comments and input from federal, tribal, state, and local agencies, and individuals or organizations that have an interest in or could be affected by the proposed action. Specific comments are the most useful for the identification of issues and analysis of the proposal.

The name and mailing address of the commenter should be provided with comments so that future documents pertaining to this project may be provided to them. Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record and will be available for public inspection.

Send written comments to:
Responsible Official
USDA Forest Service
2250 E. Richards St.
Douglas, WY 82633
Facsimile: 307-358-7107

E-mail comments may be sent to: comments-rm-mbr-douglas-thunder-basin@fs.fed.us
The e-mail system will accept email, rtf, and Microsoft Word formats. If comments are electronically mailed, the sender should receive an automated electronic acknowledgement from the agency as confirmation of receipt. If the sender does not receive such confirmation, it is the sender's responsibility to ensure timely receipt by other means. Comments may be delivered in person to the Douglas Ranger Station between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

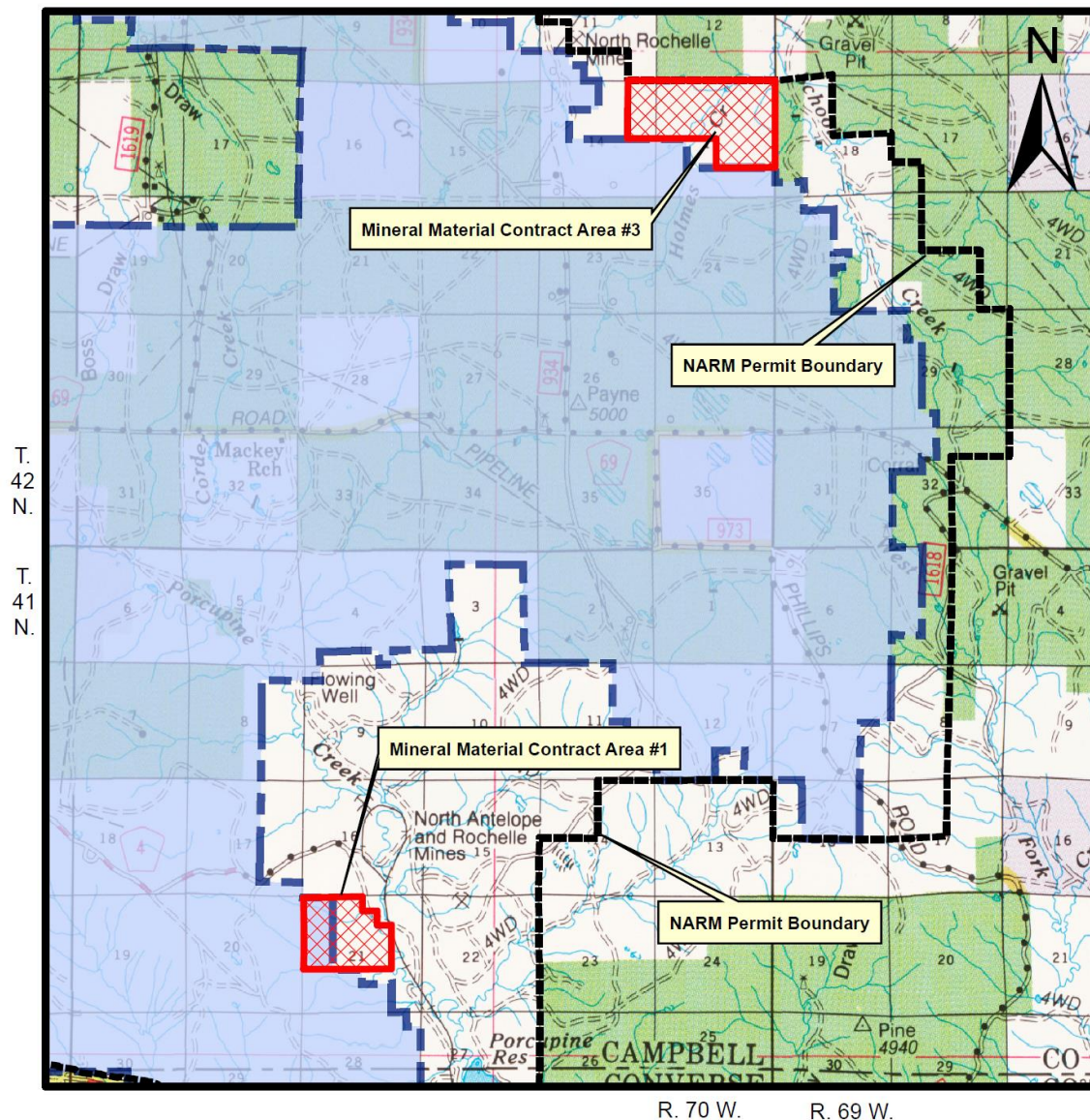
Pursuant to 7 CFR 1.27 (d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware that, under the FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with name and address within 10 days.

CONTACT PERSON INFORMATION

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This public scoping notice and the project map are available on the World Wide Web at:
<https://www.fs.usda.gov/project/?project=59679>

Exhibit A Peabody Powder River Mining, LLC Mineral Material Contract MM-DGL36



0 0.25 0.5 1 1.5 2 Miles

Disclaimer:
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-  MM-DGL36 Contract Area Authorized for Scoria Mining
-  Coal Lease Boundary
-  WDEQ/LQD Permit Boundary
-  Thunder Basin National Grassland

Revised by J. McKay 3/17/2021

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(1) mail:

U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights,
1400 Independence Avenue SW, Washington D.C. 20250-9410;

(2) fax: (202) 690-7442; or

(3) email: program.intake@usda.gov

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